

Georgia Department of Natural Resources

Environmental Protection Division

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Judson H. Turner, Director

Land Protection Branch

Keith M. Bentley, Branch Chief

Response and Remediation Program

404/657-8600

May 8, 2013

VIA HAND DELIVERY

Ethicon, Inc.
c/o Guy C. Rechteris
655 Ethicon Circle
Cornelia, Georgia 30531

Ycr 05-08-2013

FILE COPY

Re: VRP Semiannual Status Updates, April 11, 2013, April 13, 2012, October 15, 2012
Draft Uniform Environmental Covenant, April 5, 2013
Ethicon, Inc. Property, HSI No. 10793
Tax Parcel No. 085A 009
655 Ethicon Circle, Cornelia, Habersham County, Georgia

Dear Mr. Rechteris:

The Georgia Environmental Protection Division (EPD) has completed its review of the subject VRP Semiannual Status Updates dated April 11, 2013, October 15, 2012, and April 13, 2012, for the above referenced property. The documents were prepared by ARCADIS on behalf of Ethicon, Inc. (Ethicon) in accordance with the schedule provided in EPD's October 15, 2010 Voluntary Remediation Program (VRP) acceptance letter pursuant to the Georgia Voluntary Remediation Program Act (the Act). A Draft Uniform Environmental Covenant (UEC) was also submitted pursuant to Section 12-8-107 (h) of the Act to restrict groundwater usage, which is a required component of the approved corrective action at the site. Based on the results presented in the April 2012 VRP Status Update, EPD agrees that VRP remediation requirements have been satisfied and no additional groundwater monitoring is required. EPD offers the following comments:

1. Figure 7 of the October 15, 2012 VRP Semiannual Status Update depicts the extent of volatile organic compounds (VOCs) in shallow groundwater at the subject site. In the forthcoming VRP Compliance Status Report (CSR), isoconcentration lines should intercept data points that are at or below delineation standards to show the VOC plume rather than extrapolating near the impacted wells.

Draft Uniform Environmental Covenant

2. The draft UEC should be revised as follows:
 - a. **Name/ Location of administrative records:** Please retain copies at the Property and list that location in addition to EPD's offices.
 - b. **Periodic Reporting:** A reporting condition should be added to the UEC containing the following language, "The Owner shall inspect the property and applicable property instruments at least annually to ensure compliance with this document. Annually, by no later than <Date>, following the effective date of this Environmental Covenant, the

Owner shall complete and submit to EPD the VRP Annual Property Evaluation Form attached to this document as Exhibit C. This report will document whether or not the activity and use limitations in this Environmental Covenant are being abided by." Ethicon may use the attached Form to satisfy this requirement, and a blank version of this Form should be attached to the UEC as Appendix C.

- c. **Activity and/ or Use Limitations:** Although a restrictive deed has been filed for the site, site specific restrictions should be detailed in the UEC. Please include the following language in this condition of the UEC: "The current use of the Property is non-residential, as defined in Section 391-3-19-.02 of the Rules and defined in and allowed under the Habersham County zoning regulations as of the date of this Environmental Covenant. Any residential use of the Property shall be prohibited until such time as EPD has concurred that the vapor intrusion pathway has been addressed for residential use. Any activity on the Property that may result in the release or exposure to the regulated substances that were contained as part of the Corrective Action, or create a new exposure pathway, is prohibited."

3. Please add the signatory acknowledgement language to the subject UEC as it is presented in EPD's model environmental covenant.

The UEC should be revised pursuant to Comments #2 and #3, executed, and submitted to EPD by July 15, 2013. Please include a confirmation of submittal, including names and addresses, to all parties referenced in Item #10 of EPD's model environmental covenant, *Recording of Environmental Covenant and Proof of Notification*. Comment #1 should be addressed in a VRP CSR to be submitted by October 15, 2013. If you have any questions regarding this matter, please contact Ms. Antonia Beavers of the Response and Remediation Program at (404) 657-0487.

Sincerely,



Jason Metzger
Unit Coordinator
Response and Remediation Program

Encl: VRP Annual Property Evaluation Form

c: Evan Clark, P.E., ARCADIS

File: HSI# 10793

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VRP ANNUAL PROPERTY EVALUATION FORM

**Ethicon, Inc. Property, HSI Site No. 10793
655 Ethicon Circle, Cornelia, Habersham County, Georgia
Tax Parcel 085A 009**

TYPE	No.	CRITERIA RESPONSE	YES	NO
Land Use	1	Does this VRP property meet the definition of non-residential property as defined in Section 391-3-19.02(2) of the Rules? “Non-residential property means any property or portion of a property not currently being used for human habitation or for other purposes with a similar potential for human exposure, at which activities have been or are being conducted that can be categorized in one of the 1987 Standard Industrial Classification major group...”		
	1a	If no to 1, provide an explanation including a residential vapor intrusion exposure pathway evaluation to the EPD.		
Exposure	2	Has groundwater beneath the property been used or extracted for drinking water or any other non-remedial purpose?		
	2a	If yes to 2, use should be immediately terminated and a revised corrective action plan (CAP) that describes the actions necessary to bring the site's groundwater into compliance with appropriate risk reduction standards provided to EPD within 30 days.		
Property Instruments	3	Do all leases or other property instruments for the site have the applicable deed notice language inserted into them?		
	3a	If no to 3, provide a written explanation (attached) to the EPD.		

Certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME (Please type or print)

TITLE

SIGNATURE

DATE

